

County of Loudoun
Department of Planning
MEMORANDUM

DATE: August 23, 2010
TO: Loudoun County Planning Commission
FROM: Jane McCarter, Project Manager Land Use Review
SUBJECT: **September 8, 2010 Planning Commission Worksession:
ZMAP 2005-0019; Belmont Estates**

BACKGROUND:

The Planning Commission held a Public Hearing on the Belmont Estates application on November 29, 2009; the Commission voted 7-1-1 (Chaloux opposed; Ruedisueli absent) to forward the application to worksession for further discussion.

The Planning Commission previously met in worksession regarding this application on December 10, 2009. At that worksession the Commission considered connection of Stubble Road and Deerview Drive; the applicant's requested lot access and modifications to height and lot variation; the magnitude of zoning modifications requested to address Village Conservation Overlay District constraints; insufficient regional road and transit contribution levels; stormwater management impacts upon buildable lots; water quality treatment prior to incorporation into existing onsite ponds; green design commitments; and capital facilities contribution to meet school impacts. Many of the issues have been satisfactorily addressed and the remaining were forwarded to a subsequent worksession by a vote of 7-1-1 (Chaloux opposed; Brodrick absent).

Staff has met with the Applicant on numerous occasions since the December 10, 2009 worksession and discussion of the remaining outstanding issues are provided below. The Planning Commission Staff Report (PC Staff Report 11/19/09); Planning Commission Action Summary (Planning Commission Action Summaries 091210); and Planning Commission Worksession Memo (PCWS 121009) for this case may all be found electronically on LOLA and LMIS and Planning Commission Action Summaries.

At the Planning Commission Public Hearing the Belmont Estates proposal sought approval for 72 units comprised of 20 SFD, 50 SFA and 2 existing dwelling units for an overall density of 3.50 dwelling units per acre on the 20.59 acre site. The SFD units are principally located within the Village Conservation Overlay District (VCOD) and the proposed design did not address the VCOD design guidelines, but were dependent upon the approval of a number of modifications that would provide for a more conventionally suburban community design.

The proposal subsequent to the Planning Commission Public Hearing includes a reduction to 70 units comprised of 21 SFD, 48 SFA, and 1 existing dwelling for an overall density of 3.40 dwelling units per acre. In addition the design of Landbay 1 SFD lots has been revised to address the VCOD concerns and modification requests, as well as transportation concerns. The layout of Landbay 2 SFA lots has been revised to address traffic circulation at the portion of the SFA units adjacent to the W&OD Trail and most distant from the roundabout access.

ISSUE STATUS:

The following issues were identified by staff as outstanding. A current status of each is included in bold type face.

1. Public Street Connectivity

Comment: The Applicant should connect Stubble Road to Deerview Drive, as envisioned in the Revised Countywide Transportation Plan (Revised CTP) and recommended by VDOT.

Revision: The Stubble Road cul-de-sac at the site entrance will result in Belmont Estates residents having only one access to/from the site via Deerview Drive. Staff does not support this arrangement and continues to encourage the connectivity of Stubble Road to Deerview Drive. The purpose of providing the connection of Stubble Road and Deerview Drive is to provide connectivity and alternate routes for better traffic circulation in the area.

Issue Status: Resolved. The Applicant has provided a roundabout at the entrance to the Property connecting Stubble Road and Deerview Drive. A commitment to acquire necessary offsite right of way for Stubble Road and Deerview Drive improvements has been proffered by the Applicant. Stubble Road will remain unpaved.

2. Stubble Road Paving

Comment: Connection to a paved access is supported by Revised Countywide Transportation Plan (Revised CTP).

Revision: The Applicant has connected Stubble Road to the entrance to Belmont Estates and to Deerview Drive with a roundabout. This connection provides an alternative route for the Belmont Estates community as well as providing the street connectivity consistent with the policies contained within the Revised General Plan and the Countywide Transportation Plan. While the surrounding area is suburban in character, the existing Village of Ashburn itself retains a rural character. This characteristic separates Ashburn from the other existing Villages. However, in keeping with plan policy regarding suburban development Staff recommended Stubble Road be paved as a two lane road at a standard that would be acceptable to VDOT. The Applicant's regional road contribution could be used toward this improvement. Plan policies call for community residents to be consulted regarding zoning proposals within the Village boundaries. Community meetings and citizen contacts have identified a concern with the impact on the individual properties along Stubble Road should paving occur. The existing homes along Stubble Road are located close to the existing gravel road. Clearing additional width to provide for a two lane paved road would result in a significant decrease in the front yards, most notably impacting the Haag/Follin and Grigsby properties built in 1900 and 1925 respectively, and located approximately 40 and 65 feet from the gravel road boundary today. Currently Stubble Road in this area is 20 feet wide. The minimum road widths for the paved road options would be 30 feet. VDOT offered no comment in its referral regarding the paving/gravel option.

Issue Status: Resolved. Revised General Plan policies support paved roads in the Suburban Policy Area. A proffer for regional road contribution which could be used to pave Stubble Road in the future would meet the intent of this policy.

3. Lot Access and Modifications to Lot Variation

Comment: The design of Lots 1 and 16 would require access to the lots from the roundabouts – an access point that violates driver expectancy and is therefore a safety concern.

Revision: The Applicant has reoriented Lot 16 to provide access from a public road and this lot access is no longer is a safety concern. While the orientation of Lot 1 may provide an access adjacent to, but off of, the roundabout the access point to Lot 1 is no more than 30 feet from the roundabout and remains a safety concern.

Issue Status: Unresolved. Access to Lot 1 remains a safety concern. Staff encourages the Applicant ensure safer access with a note on the plat to provide driveway access at the westernmost point of this lot, immediately adjacent to Lot 2, to avoid driver confusion at the roundabout traffic flow.

4. Modification to Lot Variation and Setback – Village Conservation Overlay District

Comment: The Applicant is seeking a modification request to eliminate lot width and area variation within the Village Conservation Overlay District (ZO §4-2104(B)(2)(a)) and to reduce the garage setback from the front line of the principal building from 20 feet to 6 feet.

ZO §4-2104(B)(2)(a)	To permit Lots 1 through 21 to have similar widths and a lot area variation of less than 500 square feet. <i>VCOD supports lot variation with this criterion.</i>
ZO §4-2104(B)(5)	To reduce the minimum 20 foot setback for front-loaded garages measured from the front line of the principal building to six feet on Lots 1 through 21. <i>VCOD supports house preeminence over garage presence with this criterion.</i>

Revision: The Applicant has redesigned Lots 1-21 to incorporate a range of lot sizes more in keeping with the intent of the VCOD, and has designed the units to provide a reduced setback from the front line of the principal building from 20 feet to 6 feet (*Attachment 7*).

Issue Status: Unresolved. The modification request is not justified by an innovative design, improving upon the existing regulations or otherwise exceeding the public purpose. While the Applicant's redesign provides a variety of shapes and sizes of lots and a minimal garage setback, it clarifies the issue with Landbay 1 and the Village Conservation Overlay District. The proposed design seeks too many lots within this Landbay to meet the VCOD criteria to ensure the continued reinforcement of the pattern, character, and visual identity of the Village of Ashburn.

5. Modifications to Size, Access, and Perimeter Buffers

Comment: The Applicant seeks a reduction in the minimum PD-H4 district size, to allow a private road to serve the existing single family detached lot and, and to reduce the perimeter buffer widths. The proposal would add 48 residential units above those approved with the by-right subdivision. To achieve this increase in units the remaining modifications were requested:

ZO §4-102	To reduce the minimum size of a PD-H4 district from 25 acres to 20 acres.
ZO §3-511(A) ZO §4-110(B)	To permit roads serving single family detached dwelling units to be designed and constructed to private street standards. <i>Applies solely to the existing home built on Lot 22 accessed from Graves Lane.</i>
ZO §4-109(C)(2) ZO §3-509(C)	To reduce the minimum required perimeter open space buffer width from 50 feet to 30 feet along the western boundary, 25 feet along the eastern and northern boundaries, 20 feet along certain portions of the southern boundary of the property, and from 50 feet to 0 feet along public roadways.

Revision: The zoning modifications requested are not justified by an innovative design, improving upon the existing regulations or otherwise exceeding the public purpose but appear to serve solely to increase the number of units within this land area. While Staff can support the reduction in district size and the private road access to the existing single family detached unit as meeting the intent of the modification criteria, the decrease in perimeter buffers is a significant concern.

The magnitude of the requested reductions to the perimeter buffer highlights the overall issue with this design of too many lots within the available area. While Staff acknowledges the constraints of 43% open space to accommodate the floodplain and pond areas central to the site, the resultant shift of the lots and roads into the perimeter buffers essentially requires the adjacent properties to mitigate this development impact. The Planning Commission expressed concern regarding the buffer reduction request and the Applicant has proffered an additional 4 evergreen trees per 100 lineal feet within the perimeter buffers.

Issue Status: Unresolved. Staff recommends support of the existing perimeter buffer requirements and does not support the buffer reduction as providing an innovative design, improving upon the existing regulations or otherwise exceeding the public purpose.

6. Cash contributions

Comment: Staff has met with the Applicant and discussed the transportation and cash contributions to be provided with the 60 market rate units (this excludes both the 9 ADU units and the existing SFD unit where contributions would not be made).

Revision: The Applicant has revised the proffer statement to provide the full capital facilities and regional transportation improvement contributions through market rate unit contributions. The Applicant has proffered \$28,232.58 per market rate unit towards capital facilities, and \$5,175 per market rate unit towards a regional transportation contribution respectively in accordance with plan policies (See *Attachments 1, 2, and 4*). The Applicant has proffered \$662.25 per market rate unit transit capital costs.

Issue Status: Resolved. The capital facilities contribution and regional transportation improvement contribution are consistent with policy.

7. Traffic Signal Funding

Comment: Staff review identified a recommended cash in lieu funding amount of \$275,000 for a traffic signal at the Gloucester Parkway/Deerview Drive/Laurel Ridge Drive intersection. This amount reflects current traffic signal costs.

Revision: The Applicant has proffered a portion, \$200,000, for this traffic signal or other transportation improvements in the Broad Run District. The Applicant has further stated that with the regional road transportation proffer in addition to the traffic signal proffer the Applicant is providing \$510,500 to the County to mitigate the impacts of this proposal. While Staff acknowledges both the regional road and traffic signal proffers, as currently written these two proffers do not fully mitigate the impact of the proposal. To accomplish the goal of fully mitigating the impacts, and in keeping with customary and recent proffers, the additional \$75,000 for the full signal funding would be needed.

Issue Status: Unresolved. The traffic signal funding is not adequate to install a signal today and would not be adequate in the future. While the proffer provides for any transportation improvements in the Broad Run District it does not fully mitigate the impact of this proposal. Staff continues to recommend the full signal cost be proffered.

Proffer Review

The Applicant has worked with staff to address concerns regarding the proffer statement; the most recent version of the proffers, dated July 16, 2010, is currently under review by the Office of the County Attorney. Proffers are provided as *Attachment 5*. As of this writing, proffers have not been approved as to legal form, and additional review and discussion is anticipated.

RECOMMENDATION & FINDINGS:

Due to the outstanding issues associated with zoning modification requests, traffic signal funding, and safe access to Lot 1 staff is unable to support this application.

Findings for Denial

1. The proposal does not mitigate the transportation impacts in providing for traffic signal to address the increased traffic impacts from these 70 units.
2. The zoning modifications requested are not justified in providing an innovative design, improving upon the existing regulations or otherwise exceeding the public purpose but appear to serve solely to increase the number of residential units.

SUGGESTED MOTIONS:

1. I move that the Planning Commission forward ZMAP 2005-0019, Belmont Estates, to the Board of Supervisors with a recommendation of denial, based on the Findings included in the September 8, 2010 staff memorandum.

OR,

2. I move that the Planning Commission forward ZMAP 2005-0019, Belmont Estates, to a worksession for further discussion.

OR,

3. I move an alternate motion.

OR,

4. I move that the Planning Commission forward ZMAP 2005-0019, Belmont Estates, to the Board of Supervisors with a recommendation of approval subject to the Proffer Statement dated July 16, 2010 and based on the following Findings:
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ATTACHMENTS:

1. Revised Capital Facilities Impact Analysis dated August 24, 2010.
2. Office of Transportation Services Referral dated July 2, 2010.
3. Zoning Referral dated August 18, 2010.
4. Response Letter and Traffic Impact Study Technical Memorandum dated July 20, 2010.
5. Revised Proffer Statement dated July 16, 2010.
6. Revised Plat dated July 14, 2010.

